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**FAY KAPLUN & MARCIN, LLP**  
INTELLECTUAL PROPERTY LAW

150 BROADWAY, SUITE 702  
NEW YORK, NEW YORK 10038  
PHONE: (212) 619-6000  
FAX : (212) 208-6819  
WWW.FKMIPLAW.COM

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**FAX NO** : (571) 273-8300  
**TO** : Commissioner for Patents  
Mail Stop: AF  
**FROM** : Oleg F. Kaplun, Esq. of Fay Kaplun & Marcin, LLP  
**DATE** : June 28, 2006  
**SUBJECT** : U.S. Patent Appln. Serial No. 09/697,306  
for *Surgical Apparatus and Method*  
Your Ref.: 94-L0034CON-DIV  
Our Ref.: 10121/01601

**NUMBER OF PAGES INCLUDING COVER : 9**

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**MESSAGE:**

Please see attached.

Thank you.

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Attorney Docket No. 10121/01601 (94-L0034CON-DIV)

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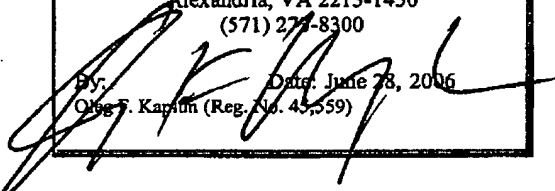
Applicants : McGUICKIN, Jr.  
Serial No. : 09/697,306  
Filed : October 27, 2000  
For : Surgical Apparatus and Method  
Group Art Unit : 3761  
Examiner : Glenn K. Dawson

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By:  Date: June 28, 2006  
Oleg F. Kaplun (Reg. No. 45,559)

**TRANSMITTAL**

Transmitted herewith please find an Amendment in response to the Decision on Appeal mailed May 24, 2006 for filing with the USPTO in the above-identified application. No fees are believed to be required. However, the Commissioner is hereby authorized to charge any additional required fees to the Deposit Account of Fay Kaplun & Marcin, LLP No. 50-1492. A copy of this paper is enclosed for that purpose.

Respectfully submitted,

Dated: June 28, 2006

By:   
Oleg F. Kaplun (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP  
150 Broadway, Suite 702  
New York, N.Y. 10038  
(212) 619-6000 (telephone)  
(212) 619-0276 (facsimile)

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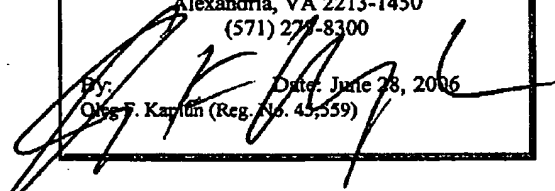
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[10121/01601]

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**AMENDMENT**

In response to the Decision on Appeal mailed May 24, 2006, please amend the above-identified application as follows: